

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:	:	Paul F. McMahan		
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Title:	:	Portal Including Detachable and Reattachable Portlets		
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Examiner:	:	Boris M. Pesin		
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APPEAL BRIEF IN COMPLIANCE WITH 37 CFR 41.37

In response to the Notice of Panel Decision from Pre-Appeal Brief Review as mailed December 14, 2007, this appeal brief is being submitted.

I. Real Party in Interest

The real party in interest is International Business Machines (IBM) Corporation, assignee of record.

II. Related Appeals and Interferences

There are no other appeals or interferences, known to the Appellants, or Appellants' legal representatives, which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

III. Status of Claims

Claims 11-14, 16-20, 22-28, and 30-32 are pending. Claims 1-10, 15, 21, 29, and 33-48 have been cancelled.

IV. Status of Amendments

An amendment was filed after the final office action on January 8, 2008 which has not been acted upon by the examiner. This amendment cancels claims 1-4, 6-10, 33-37, 39-44, and 46-48 in addition to claims 5, 15, 21, 29, 38, and 45 which were canceled in a previous amendment. All previous papers filed by Applicants have been entered.

V. Summary of Claimed Subject Matter

The present invention is related to detachable portlets in a portal environment or web page that can be detached by a user to simplify the portal and reduce clutter. When a detachable portlet is detached, a placeholder is formed in the portal to represent the detached portlet. Both the placeholder and the detached portlet include a feature for reattaching the portlet to the portal.

Claims 11, 19, and 24 are independent claims. Claims 12-14 and 16-18 are dependent claims depending either directly or indirectly from independent claim 1 and stand rejected in the present application, and claims 20, 22, and 23 are dependent claims that depend directly from independent claim 19 and also stand rejected in the present application. Claims 25-28 and 30-32 are dependent claims depending either directly or indirectly from independent claim 24 and stand rejected in the present application.

Independent claim 11 is a method claim. Claim 11 recites “A method to detach and reattach at least one portlet associated with a portal, comprising detaching a selected portlet in response to activating a detach feature.” This feature of claim 11 is described in the specification in paragraph [0015] and in Figure 1, block 106, and in Figure 3A, reference numeral 306. Claim 11 also recites “reattaching the detached portlet in response to activating a reattach feature.” This aspect of claim 11 is described in the specification in paragraph [0019] and in Figure 2, block 202 and in Figure 3C reference numeral 312 and 314. Claim 11 further recites “forming a placeholder in the portal to represent each detached portlet, wherein each placeholder is formed in response to an associated portlet being detached.” These features of claim 11 are described in the specification in paragraphs [0016] and [0017], in Figure 1, block 112, and in Figure 3B reference numeral 310.

Dependent claim 18 is a method claim and depends directly from independent claim 11. Claim 18 recites “forming a communications tunnel between the placeholder and the detached portlet for communications with the detached portlet through the portal.” This feature of claim 18 is described in the specification in paragraphs [0016] and [0017], in Figure 1, block 114, and in Figure 3B reference numeral 316.

Independent claim 19 is a method claim and recites similar features to independent claim 11. Claim 19 also recites “transferring the selected, detached portlet to a window in response to detaching the selected portlet.” This feature of claim 19 is described in the specification in paragraphs [0016] and [0017], in Figure 1, block 110 and in Figure 3B reference numeral 308.

Independent claim 24 is a method claim. Claim 24 recites “A method to form a portal, comprising: forming at least one portlet with a detach feature.” This element of claim 24 is described in the specification in paragraph [0014] and in Figure 1, block 102. Claim 24 also recites “forming the portal including the at least one portlet with the detach feature.” This feature of claim 24 is described in paragraph [0015], in Figure 1, block 104, and in Figure 3A reference numerals 300, 302 and 304. Claim 24 further recites “providing a placeholder in the portal to represent each detached portlet when detached, wherein each placeholder is formed in response to an associated portlet being detached.” These features of claim 24 are similar to those in claim 11 and are described in the specification in paragraphs [0016] and [0017], in Figure 1, block 112, and in Figure 3B reference numeral 310.

Dependent claim 32 is a method claim and depends directly from independent claim 24. The features of claim 32 are similar to the features of claim 18 and are described in the specification in paragraph [0016] and [0017], in Figure 1, block 114, and in Figure 3B reference numeral 316.

VI. Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 11-14, 18-20, 23-28, and 31-32 are unpatentable under 35 U.S.C. §103(a) over Qian et al. (U.S. Pub. No. 2003/0145275; hereinafter Qian) in view of Samaniego et al. (U.S. Patent 6,792,575; hereinafter Samaniego).

2. Whether claims 16-17, 22, and 30 are unpatentable under 35 U.S.C. §103(a) over Qian in view of Samaniego and further in view of Becker et al. (U.S. Patent 6,981,223; hereinafter Becker).

VII. Arguments

Rejection under 35 U.S.C. §103(a) as being unpatentable over Qian in view of Samaniego

Claims 11-14, 19-20, and 23-28

Independent claim 11 recites:

“forming a placeholder in the portal to represent each detached portlet, wherein each placeholder is formed in response to an associated portlet being detached.”

The Final Office Action dated as mailed 08/09/2007 admits on page 3 that Qian does not teach a placeholder formed in the portal to represent the at least one detachable portlet when detached and that the placeholder is formed in response to the at least one detachable portlet being detached as required by claim 1. Samaniego (Column 2, Lines 44-51) was cited in teaching this deficiency of Qian. Samaniego in Column 2, Lines 40-52 recites:

“When a data request is made, the data transfer rate is monitored. When the receive data transfer rate is slow, and the data contains an embedded graphical image of unknown dimensions, a small placeholder image is automatically displayed for the user instead of the actual data. The small placeholder image holds a place on a display device for the data or the embedded graphical image until the data or embedded graphical image is received. When embedded graphical image is received, the placeholder image is removed, and the display device is reformatted to display the embedded graphical image.”

Accordingly, Samaniego teaches that a small placeholder image is displayed when a data request is made and the received data transfer rate is slow and the data contains an embedded graphical image of unknown dimensions. The placeholder in Samaniego is for an image to be rendered not an object or portlet that has been detached or removed. From this recitation of Samaniego, it is

clear that Samaniego does not teach or suggest forming a placeholder in the portal to represent each detached portlet and that each placeholder is formed in response to an associated portlet being detached as provided by independent claim 11 as recited above. Therefore, Applicant respectfully submits that independent claim 11 is patentably distinguishable over Qian and Samaniego, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claim 11 is respectfully requested.

Independent claims 19 and 24 recite similar features to independent claim 11. Therefore, independent claims 19 and 24 are also respectfully submitted to be patentably distinguishable over Qian and Samaniego, and reconsideration and withdrawal of the Section 103 rejection of these claims is respectfully solicited.

Claims 12-14, and 16-17 depend either directly or indirectly from independent claim 11. Claims 20, and 22-23 depend directly from independent claim 19, and claims 25-28 depend either directly or indirectly from independent claim 24. Because of these dependencies, claims 12-14, 16-17, 20, 22-23, 25-28, and 30 include all of the features of the referenced independent claim and any intermediate claims. Accordingly, these claims are also respectfully submitted to be patentably distinct over Qian and Samaniego for the same reasons as discussed with respect to the independent claims. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 12-14, 16-17, 20, 22-23, and 25-28 is, therefore, respectfully requested.

Claims 18, and 31-32

Claim 18 recites:

“forming a communication tunnel between the placeholder and the detached portlet for communications with the detached portlet through the portal.”

Samaniego (Column 2, Lines 44-51) was cited on page 4 of the Final Office Action in rejecting claim 7, now cancelled, which recited the same features as claim 18. Column 2, Lines 40-52 are excerpted from Samaniego above. Applicant respectfully submits that neither Qian nor Samaniego teach or suggest forming a communication tunnel between the placeholder and the detached portlet for communications with the detached portlet through the portal as provided by the embodiment of the present invention as recited in claim 18. Additionally, claim 18 depends directly from independent claim 11, and by virtue of that dependency, includes all of the features

of independent claim 11. As previously discussed, independent claim 11 is patentably distinguishable over Qian and Samaniego. Therefore, for all of these reasons, claim 18 is respectfully submitted to be patentably distinguishable over Qian and Samaniego, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of dependent claim 18 is respectfully solicited.

Claims 31 and 32 recite similar features to independent claim 18. Additionally, claims 31 and 32 depend directly from independent claim 24. As result of this dependency, claims 31 and 32 include all of the features of independent claim 24. As previously discussed, independent claim 24 is respectfully submitted to be patentably distinguishable over Qian and Samaniego. Accordingly, for all of these reasons, claims 31 and 32 are also submitted to be patentably distinguishable over Qian and Samaniego, and reconsideration and withdrawal of the Section 103 rejection of dependent claims 31 and 32 is respectfully solicited.

**Rejection of under 35 U.S.C. §103(a) over Qian in view of Samaniego and
further in view of Becker**

Claims 16-17, 22, and 30

Claim 16 depends directly from independent claim 11 and claim 17 depends from claim 16. Claim 22 depends directly from independent claim 19 and claim 30 depends directly from independent claim 24. Becker was cited for teaching a multiple messaging window management system wherein the portal (main window 1302 in Becker) comprises a reattach features (Figure 13-Dock Option 1204) to reattach (dock in Becker) the detached portlet (window pane 1304 or 1306 in Becker) to the portal in response to activating the reattach feature (Figure 13, Column 19, lines 55-57 of Becker). Becker in Column 19, lines 53-59 recites:

“While the user interface of FIGS. 12 and 13 is similar to the user interface of FIG. 1, there are some differences of note. For example, a toggle switch 1204 marked "DOCK OPTION" is used to alternately dock and undock all window pane sets. The undocked window pane sets 1304 and 1306 may be repositioned as desired using, for example, mouse controls...”

Accordingly, Becker merely teaches that window pane sets 1304 and 1306 may be separated using the toggle switch 1204 marked “DOCK OPTION” and then repositioned using a mouse.

Applicant respectfully submits that Becker does not teach or suggest that a placeholder is formed to take the place of the undocked window pane sets 1304 and 1306. This would be contrary to the teachings of Becker, wherein Becker teaches that the window pane sets 1304 and 1306 can be repositioned using mouse controls. Replacing one of the window panes 1304 and 1306 with a placeholder would defeat this function of Becker. Accordingly, Applicants respectfully submit that a person of skill in the art would not be motivated to combine the teachings of Becker with Qian and Samaniego.

But even if it were proper to combine Qian, Samaniego and Becker, they still would not provide the embodiments of the present invention as recited in claims 16-17. Claim 16 recites:

“forming the reattach feature on at least one of each placeholder and each detached portlet.”

In contrast, Becker, as just discussed, does not teach or suggest that the undocked window pane is formed as a placeholder as provided by the present invention as recited in the claims. Claim 16 depends directly from claim 11 and claim 17 depends from claim 16. Because of this dependency, claim 16 and 17 include all of the features of independent claim 11. Applicant respectfully submits that Becker adds nothing to the teachings of Qian and Samaniego so as to render independent claim 11 unpatentable. Therefore, claims 16 and 17 are respectfully submitted to be patentably distinct over Qian, Samaniego and Becker, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 16 and 17 is respectfully solicited.

Claims 22 and 30 recite similar features to claim 16. Additionally, claim 22 depends directly from independent claim 19 and claim 30 depends directly from independent claim 24. Applicant respectfully submits that Becker adds nothing to the teachings of Qian and Samaniego so as to render independent claims 19 and 24 unpatentable. Therefore, claims 22 and 30 are also respectfully submitted to be patentably distinguishable over Qian, Samaniego and Becker for the same reasons as discussed with respect to claims 19 and 24. Reconsideration and withdrawal of the Section 103 rejection of claims 22 and 30 is respectfully requested.

Conclusion

For the reasons discussed above, Applicant respectfully submits that the rejections standing in this application are improper. The Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a) with respect to claims 11-14, 16-20, 22-28, and 30-32 over the cited documents. Therefore, Applicant respectfully submits that claims 11-14, 16-20, 22-28, and 30-32 are in condition for allowance. Reversal of the rejection of claims 11-14, 16-20, 22-28, and 30-32 is respectfully requested.

Respectfully submitted,

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VIII. Claims Appendix

1.-10. Cancelled

11. (Previously Amended) A method to detach and reattach at least one portlet associated with a portal, comprising
detaching a selected portlet in response to activating a detach feature;
reattaching the detached portlet in response to activating a reattach feature; and
forming a placeholder in the portal to represent each detached portlet, wherein each placeholder is formed in response to an associated portlet being detached.

12. (Original) The method of claim 11, further comprising transferring the selected, detached portlet to a window in response to activating the detach feature.

13. (Original) The method of claim 11, further comprising forming an independently managed window for each detached portlet.

14. (Original) The method of claim 11, further comprising forming a single portlet window for all detached portlets.

15. Canceled.

16. (Previously Amended) The method of claim 11, further comprising forming the reattach feature on at least one of each placeholder and each detached portlet.

17. (Previously Amended) The method of claim 16, further comprising transferring a detached portlet from a window to the portal in response to activating the reattach feature.

18. (Previously Amended) The method of claim 11, further comprising forming a communication tunnel between the placeholder and the detached portlet for communications with the detached portlet through the portal.

19. (Previously Amended) A method to detach and reattach at least one portlet associated with a portal, comprising:
detaching a selected portlet in response to activating a detach feature;
transferring the selected, detached portlet to a window in response to detaching the selected portlet; and
forming a placeholder in the portal to represent each detached portlet when detached, wherein each placeholder is formed in response to an associated portlet being detached.

20. (Original) The method of claim 19, further comprising forming an independently managed window for each detached portlet.

21. Canceled.

22. (Previously Amended) The method of claim 19, further comprising forming a reattach feature on at least one of each placeholder and each detached portlet.

23. (Original) The method of claim 19, further comprising transferring the detached portlet from the window to the portal in response to activating a reattach feature.

24. (Previously Amended) A method to form a portal, comprising:
forming at least one portlet with a detach feature;
forming the portal including the at least one portlet with the detach feature; and
providing a placeholder in the portal to represent each detached portlet when detached, wherein each placeholder is formed in response to an associated portlet being detached.

25. (Original) The method of claim 24, further comprising providing a window to receive each detached portlets.

26. (Original) The method of claim 24, further comprising providing a window to receive all detached portlets.

27. (Original) The method of claim 24, further comprising providing an independently managed window to receive each detached portlet.

28. (Original) The method of claim 27, further comprising providing a reattach feature associated with each detached portlet.

29. Canceled.

30. (Previously Amended) The method of claim 24, further comprising providing a reattach feature associated with at least one of each detached portlet and an associated placeholder.

31. (Previously Amended) The method of claim 24, further comprising providing tunneling communication between each placeholder and an associated detached portlet for communications with the detached portlet through the portal.

32. (Original) The method of claim 24, further comprising providing tunneling communication between the portal and each detached portlet.

33.-48. Cancelled

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.